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EXAMINER

GART, MATTHEW S

ART UNIT PAPER NUMBER

3625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



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## DETAILED ACTION

### *Prosecution History Summary*

- Claims 1-29 are pending in the instant application.
- Claims 10-27 were previously withdrawn.
- Claims 1-9 and 28-29 are rejected as set forth below.

### *Response to Amendment*

Applicant amendment filed 11/24/2006 has been entered. The rejection of claims 1-9 under 35 U.S.C. 112 has been vacated in view of said amendment.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-3, 6-9 and 28-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Sahota (Patent Application Publication No. 2002/0010928 A1).**

Referring to claim 1. Sahota discloses a commerce information managing method for managing commerce information, comprising:

- Receiving a request to generate a commercial message broadcast and commercial message information relating to the commercial message broadcast from at least one of a merchandise producer and a service provider (Sahota: paragraph 0062, "The method and system provide an end-to-end framework for network operators and broadcasters to integrate seamlessly existing assets to generate new interactive advertising services.");
- Requesting a concurrent broadcast of the commercial message broadcast (Sahota: Fig. 1A, "TV Commercial 108") and the commercial message information relating to the commercial message broadcast generated according to the commerce information (Sahota: Fig. 1A, "Internet Advertising Content 112"), during a broadcast of a main program (Sahota: paragraph 0017, "In such a

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system, broadcasters or content providers can target specific users with interactive content (e.g., an advertisement banner) integrated with specific TV commercial content."); and

- Receiving, as part of the commerce information, commercial message broadcast designation information contained in the commercial message information and designating at least the commercial message broadcast when a client sees the commercial message broadcast (Sahota: paragraph 0060), performs an instruction for displaying the commercial message information relating to the commercial message broadcast and purchases merchandise or a service in the commercial message information relating to the commercial message broadcast (Sahota: paragraph 0061).

Referring to claim 2. Sahota further discloses a method wherein said commercial message information contains at least one of a merchandise catalog, a merchandise guide book in which merchandise is classified based on a characteristic of each piece of merchandise (Sahota: paragraph 0043, "For example, advertising server **230** can store specific rules, which specify the personalization of content for a particular user, i.e., providing a local restaurant advertisement content with a local TV commercial for the restaurant.").

Referring to claim 3. Sahota further discloses a method wherein said commercial message information is described in an XML data format; and specific information

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contained in the commercial message information is distributed (Sahota: paragraph 0036).

Referring to claim 6. Sahota further discloses a method comprising analyzing data of the commerce information being managed; and transmitting an analysis result to the merchandise producer of the service provider (Sahota: paragraph 0041).

Referring to claim 7. Sahota further discloses a method wherein said commerce information contains any of information relating to merchandise or a service, attribute data of the client, and information about merchandise or a service purchased by the client (Sahota: paragraph 0036 and paragraph 0041).

Referring to claim 8. Sahota further discloses a method comprising distributing instructions about merchandise or a service generated by the merchandise producer or the service provider to a shop at which a client receives merchandise or a service so that the client can receive a support of aftercare for the merchandise or the service (Sahota: Fig. 5B, "Help").

Referring to claim 9. Sahota further discloses a method comprising assigning the client a service point based on the CM broadcast designation information, information about merchandise or a service purchased by the client, and attribute data of the client (Sahota: Fig. 5B, "Help").

Referring to claim 28. The limitations of claim 28 closely parallel those of claims 1-3 and 6-9. Claim 28 is rejected under the same rationale as set forth above in claims 1-3 and 6-9.

Referring to claim 29. The limitations of claim 29 closely parallel those of claims 1-3 and 6-9. Claim 29 is rejected under the same rationale as set forth above in claims 1-3 and 6-9.

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sahota (Patent Application Publication No. 2002/0010928 A1) in view of Mayer (U.S. Patent No. 5,774,534).**

Referring to claim 4. Sahota teaches a method according to claim 1 as indicated supra. Sahota does not specifically teach a method wherein a broadcast program for broadcasting the commercial message broadcast and the commercial message information relating to the commercial message broadcast is bought from the broadcasting station. Mayer teaches a method, wherein a broadcast program for broadcasting the commercial message broadcast and the commercial message information relating to the commercial message broadcast is bought from the broadcasting station (Mayer: column 15, lines 61-65). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the method of Sahota to have included the teachings of Mayer in order to provide a seamless integration of existing assets to generate new interactive commercial advertising services (Sahota: paragraph 0005).



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Referring to claim 5. Sahota in view of Mayer discloses a method according to claim 4 as indicated supra. Sahota further discloses a method wherein said broadcast program is changed based on at least one of merchandise inventory information about the merchandise producer and service providing information about the service provider (Sahota: paragraph 0042).

### ***Response to Arguments***

Applicant's arguments filed 11/24/2006 have been considered but are not persuasive.

The Applicant argues that Sahota does not suggest, "... Commercial message broadcast designation information."

The Examiner notes, at operation **445** (Sahota: paragraph 0061), a user of TV **104** can launch interactive services by accessing interactive content **510**. For example, a user accessing interactive content **510** will begin interacting with a website as shown in FIG. 5B related to the clothing retailer. The website is designated based on the commercial message. Sahota's main focus is a method and system for integrating Internet advertising with television commercials. This integration would not be possible with commercial message broadcast designation information. Sahota provides an end-to-end framework for network operators and broadcasters to integrate seamlessly existing assets to generate new interactive advertising services (Sahota: paragraph 0062).

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***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-273-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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MSG

Primary Examiner

January 15, 2007

  
MATTHEW S. GART  
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